

APPLIED BEHAVIORIAL ANALYST LICENSING COMMITTEE

DATE: February 13, 2017
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
Poplar Room, 665 Mainstream Drive
Nashville, TN 37243

COMMITTEE MEMBERS

PRESENT:

Mary Annette Little, Ph.D., Chair
Michael S. Tonos, MS, BCBA
Catherine Terry, Ph.D., M. Ed., Citizen Member

COMMITTEE MEMBER

ABSENT:

Tammy Davis, BA, BCaBA

STAFF

PRESENT:

Lisa Williams, Board Administrator
Teddy Wilkins, Unit Director
Paetria Morgan, Deputy General Counsel

Dr. Little called the meeting to order at 9:00 a.m. A roll call vote was conducted and a quorum was present.

Review/Approve Minutes

Upon review of the November 21, 2016 minutes, Dr. Little inquired about the TABA update to be added to the minutes.

Dr. Terry made a motion to bring the TABA update to the May 22, 2017 Board Meeting for inclusion in the November Minutes. The motion was seconded by Mr. Tonos. The motion carried.

Approval of the November 21, 2016 minutes was tabled by Dr. Little until the next meeting.

Office of General Counsel

Ms. Morgan stated there are no consent orders, agreed orders or open cases in the Office of General Council because there are no licensed individuals.

Ms. Morgan presented a piece of legislation to discuss. The Senate bill 239 changes the committee's termination date from June 30, 2022 to June 30, 2018. The legislative liaisons that come and speak with the Board do not lobby on behalf of the Board. Ms. Morgan encouraged the Board Members to talk to their local representatives and to talk to TABA to lobby on the Board's behalf. This would be the best way for the Board to express opposition or acceptance of the bill. OGC does not lobby on behalf of the Board or Committee Members. Ms. Morgan did conduct a bill analysis on the Senate bill 239 and stated in the analysis that there was a high likelihood that the Board would be in opposition to the bill. Ms. Morgan did not state this definitively because there had been no vote on this nor did she speculate on the Board's input.

Mr. Tonos questioned the reason behind the bill. Ms. Morgan stated that she did not know the reason behind this bill, but she encouraged the Board not to take the bill lightly. Dr. Little asked for clarity on the purpose of the bill. Ms. Morgan stated the bill was to bring the Board before the Senate sooner to explain why the Board should still exist and to accomplish this the Senate cut the termination date short. Ms. Morgan did state in the analysis that the Board was in the red because they haven't taken in any revenue for the past two consecutive years. Ms. Wilkins stated that any time a board is in the red for two consecutive years it triggers a Sunset Hearing. Mr. Tonos stated that this bill did not seem to be in the best interest of the citizens that could benefit from this practice. Considering the Board is just following protocol in getting the Board's rules submitted and signed and no delays or lack of income is due to lack of effort from the Committee. Dr. Little called for a vote in opposition to this bill. Mr. Tonos made a motion in opposition of the bill. Dr. Terry seconded the motion. The motion carried.

Ms. Morgan presented rule updates in the form of 3 suggestions that do not require a rulemaking hearing.

First Suggestion: Remove "N" from page 6 which asks for documents to be submitted a second time a year later. Ms. Wilkins made the observation that it appears to be redundant. Mr. Tonos made the motion that we accept the suggestion that we delete section "N" as identified in 1, 2, 3, 4 and have the items re-bulleted. Ms. Terry seconded the motion. The motion carried.

Second Suggestion: Concerning application denial on page 10, it was suggested to add wording to give the applicant the opportunity to have a contested hearing. Mr. Tonos made the motion to add the wording to page 10. Ms. Terry seconded the motion. The motion carried.

Third Suggestion: Concerning an order of compliance and the duration of discipline located on page 15. Ms. Morgan pointed out that the licensee currently would have to wait 90 days to have the discipline lifted while waiting on the next board meeting when the discipline was for 60 days. Suggestion is for the lifting of the discipline upon completion of the requirements and the 60 days based upon the recommendation of the committee or the consultant prior to completion of the requirements and the 60 days without waiting until the next committee meeting contingent

upon the severity of the disciplined action. Ms. Terry made the motion to adopt the revisions to number two on page 15 as suggested. Mr. Tonos seconded the motion. The motion carried.

Administrative Report

Ms. Williams reported that at this time there are no licensees or applications pending.

Other Board Business

With no other Committee business to conduct, Ms. Terry made a motion, seconded by Mr. Tonos, to adjourn at 9:34 a.m. The motion carried.

Ratified by the Committee for Licensing Behavior Analysts on May 22, 2017.

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